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## The Santa Cruz Island Vireo

BY JOSEPH GRINNELL

*Vireo mailliardorum* new species

CHARACTERS—Similar to *Vireo huttoni* of the mainland of California, but slightly inferior in size with especially smaller bill; coloration darker, more leaden olive above and a little more buffy yellow below posteriorly.

TYPE—♂ (in unworn adult annual plumage); No. 5425 Coll. J. G.; Friar's Harbor, Santa Cruz Island, California; September 1, 1903; collected by J. Grinnell.

## MEASUREMENTS (in inches)—

Collection	No.	Date	Sex	Wing	Tail	Tarsus	Culm	Bill from nostril
J. Grinnell	5424	Sept. 1, '03	♀	2.35	2.15	.78	.40	.25
"	5425	" " "	♂	2.40	2.16	.71	.40	.25
"	5426	" " "	♂	2.38	2.14	.76	.39	.24
J. & J.W. Mailliard	3145	April 15, '98	♂	2.39	2.11	.76	.40	.25
"	3171	" 17, "	♀	2.27	2.06	.72	.39	.24
"	3218	" 21, "	♂	2.43	2.15	.72	.40	.25

DISTRIBUTION—Permanently resident on Santa Cruz Island, California.

REMARKS—Santa Cruz Islands lies about twenty miles off the coast of Santa Barbara county, California. Although it is so close to the mainland, a large number of its plants and more sedentary animals have proven to be peculiar. Mr. Joseph Mailliard during a visit to this island in 1898<sup>a</sup> secured three specimens of the above-described bird. Moreover he mentioned some of its points of difference as compared with the mainland *Vireo huttoni*; but his well-known conservative attitude in regard to slightly defined species deterred him from bestowing a name. During a recent visit to Santa Cruz Island I also found *Vireo mailliardorum* to be fairly numerous among the live-oaks in the canyons at the west end. Three specimens were obtained. The six skins at hand agree in the characters as outlined. The species is named for Messrs. Joseph and John W. Mailliard, whose conscientious work with western birds deserves at least this slight token of our recognition.

## CORRESPONDENCE

## The A. O. U. Model Law

TO THE EDITORS OF THE CONDOR:

DEAR SIRs:—Under the head of 'Editorial Notes' in the September-October issue of THE CONDOR is a most surprising outburst of criticism and abuse of the A. O. U. 'model law' and, incidentally, of the A. O. U. Committee on Bird Protection, so evidently prompted by selfishness and so pervaded with ignorance and misconception of the real facts of the case that a word in reply seems desirable. The outcry<sup>1</sup> is against the clause granting permits to properly accredited persons for the collection of birds and their nests and eggs for strictly scientific purposes, which was inserted especially to allow 'Ornithology to come in.' "Take this feature away," says the writer,<sup>2</sup> "and it is a good law." He glories in the fact that his own State of California "is still free," and adds that "it is largely to this fact that its exceptional ornithological activity is due. We need a good bird law here, but we of the Cooper Club are not criminals and do not require to be bonded when we seek the festive song sparrow or chickadee."

The fact is overlooked that without this provision the ornithologists who merely collect birds, for scientific study, the pot hunter and the commercial bird trapper would all be in the same criminal category of law breakers, subject to arrest and punishment whenever detected.

<sup>3</sup> The hardship, here editorially so grossly exaggerated, of taking out a bond and paying the trivial fee of one dollar a year, suffices to differentiate the ornithological collector from the criminal classes, and ensures his protection from the annoyance of arrest, to which he would otherwise be liable. The law cannot well otherwise discriminate such non-criminals as the members of the Cooper Club, or of the A. O. U., or other reputable bird students, from the pot hunter, the mil-

<sup>a</sup> Bulletin Cooper Orn. Club I, May 1899, p. 44.

linery collector, or the lawless boy or man who shoots birds or destroys their nests and eggs in pure wantonness.

This law was draughted by the A. O. U. Committee on bird protection in 1886 and was adopted by the State of New York the same year. Since that date, through my official connection with the American Museum of Natural History, I have had supervision of the issuance of the permits to collect birds, their nests and eggs for which it provides. <sup>4</sup>Fifteen years' experience enables me, therefore, to speak with some authority of its workings and it may be said that so far as bird students in New York are concerned the simple legal requirements connected with securing a permit and the nominal fee of one dollar, far from being considered a "hardship," are welcomed as a means of protection from indiscriminating game wardens.

Indeed, so desirable is the permit feature usually considered by ornithologists that with the single exception of California they have uniformly advocated the passage of the A. O. U. law, not only as a measure designed to protect birds from wanton destruction, but as a means of legalizing their own calling. The atmosphere of liberty-loving California, however, appears to stimulate a different feeling.

<sup>5</sup> Especial stress is laid, in the editorial in question, on the hardships inflicted on the non-resident who wishes "to go over the border" for a few weeks' collecting in a neighboring state. In most states and territories of the Union and of Canada the non-resident gunner is required, under current game laws, to take out licenses and pay special permit taxes to kill game, all in the alleged interest of game protection; but when we go to "seek the festive song sparrow or chickadee" in a neighboring state our editorial advocate of ornithological freedom resents any "bonded" hindrances believed to be for the public good. <sup>6</sup> Possibly our friends of THE CONDOR have some happy device for a bird law that will protect the little birds from all their human foes (which do not include the "better balanced ornithologists") and be not "un-American nor in any way trammel their dearly cherished ornithological freedom.

American Museum of Natural History,

New York City, Oct. 6, 1903.

J. A. ALLEN.

[Dr. Allen has indeed turned upon us the artillery of his strenuous rhetoric, and were his aim less careless we might feel inclined to betake ourselves to tall timber. We had not the slightest notion upon whose special preserves we were trespassing, when we penned the mild criticism, for which we are threatened with immediate annihilation. If the Doctor is pleased to term our editorial an "outburst," we might ask what especial epithet he would apply to his present communication. We would like to say at the outset, however, that our editorial *did not* abuse the A. O. U. Bird Law, nor the committee, even "incidentally," as anyone may see who takes the trouble even to skim over the criticism in question, and just why this positive assertion is made, we are at a loss to understand.

Dr. Allen's animadversions provide good reading for those who delight in the prospect of an impending tilt in polemics. Yet, candidly, we cannot see how anyone could distort our remarks so completely, as put forth such a reply. The only alternative left us is to conclude that our friendly critic is suffering from an aggravated case of "misconception" of the main point of our contention. Some of Dr. Allen's items have been numbered by us and will be referred to seriatim.

(1) Our "outcry" is most certainly *not* against the clause granting permits to properly accredited persons for the collection of birds and their nests and eggs, but is, as stated succinctly in the editorial, directed against the necessity of taking out a 200 dollar bond every time such a permit or license is obtained. We are heartily in favor of special permits, but not the bonds.

(2) This is what is called "abuse" a few lines above.

(3) We repeat that the taking out of a bond *is* an expensive hardship, and was not "grossly exaggerated." (See Mr. Nelson's communication on this point). We have no special objection to the \$1.00 license-fee, if it is a just fee, but exactly how the addition of a bond helps to discriminate between non-criminals such as reputable bird-students, and the other class, such as pot-hunters, our generalizing opponent of "ornithological freedom" does not specify. Pot-hunters are not recommended by two responsible ornithologists, nor do they bear special licenses.

(4) In passing we might casually ask our critic how many bonds have been forfeited during his fifteen years' experience in supervising the issuance of permits in New York state, and if any, were the parties each recommended by two well known ornithologists, as the law requires? We presume "bonds" are in force in New York, tho here again the Doctor dodges the issue.

(5) In answer to these points we recommend the careful perusal of Mr. Nelson's remarks, printed below.

(6) Yes, Doctor, even your friends of THE CONDOR can offer some timely suggestions for the improvement of the 'Model Bird Law' and we repeat the one already given gratuitously: strike out the bond feature from the clause pertaining to the issuance of licenses. This, we be-

lieve is the happy device whereby the little birds will still be protected "from all their human foes," and the law will not be un-American, "nor in any way trammel" our "dearly cherished ornithological freedom." That many of the leading ornithologists of the country (who are presumably among the "better-balanced") do object to the bond feature we can amply prove, if evidence is desired.

In conclusion we might add that we sincerely regret that our critic has twisted and so entirely misconstrued our (to the western mind) really mild editorial. Still with the friendliest intentions in the world we cannot help hoping that the next time he goes gunning for heretical Western editors, his efforts may be crowned with better success.—WALTER K. FISHER.]

### On the 'Bonding Clause' of the A. O. U. Model Law

TO THE EDITOR OF THE CONDOR:

In the last CONDOR I note with approval some editorial objections to the bonding feature of the A. O. U. bird law. The utility and necessity of a license system in laws for bird protection are self-evident. But it appears to me that when the issuance of a license is properly safeguarded and its misuse by the holder is attended by permanent forfeiture and, if necessary, similar penalties to those inflicted for the breaking of game laws all reasonable requirements have been fully met.

The necessity of securing a bond is objectionable from several points of view. In many cases it will work hardship even to the point of preventing the accomplishment of valuable ornithological work. This will be brought about by the delays incident to securing a bond by a stranger, especially where it will be desirable to work say for a week or two in a state and one's time is limited. Or in the case of an ornithologist who would desire to work in several states during the same season. In such a case as that just mentioned, if a recent instance that has come to my knowledge is any criterion, the ornithologist would find it practically impossible to accomplish any work by the delays in securing the necessary bonds. In addition to this is the annoyance of having to ask friends to go upon one's bond, for bonding companies are expensive and not always available. If the laws for bird protection are aimed at those who destroy birds wantonly or for purposes of gain and not at field ornithologists then the bonding clause in the regulations governing the issuance of licenses to properly accredited ornithological students should be cut out.

E. W. NELSON.

## THE EDITOR'S BOOK SHELF

A NEW *PROCELSTERNA* FROM THE LEEWARD ISLANDS, HAWAIIAN GROUP. By WALTER K. FISHER. From Proc. U. S. Nat. Mus. XXVI, pp. 559-693, Jan. 29, 1903.

In this paper a new tern of the genus *Procelsterna* is described. The birds were discovered, by the *Albatross* Hawaiian Expedition, on Necker Island, to the westward of the main Hawaiian Group. So far as known this tern inhabits only Necker, French Frigate Shoal, and Bird Id. Singularly it is most nearly related to *Procelsterna cinerea* of Australian waters, and not to *cerulea* of central Polynesia. The eggs, downy chick, and juvenal plumage are also described.

BIRDS OF LAYSAN AND THE LEEWARD ISLANDS, HAWAIIAN GROUP. By WALTER K. FISHER. Extracted from U. S. Fish Com. Bull. 1903; pp. 1-39 plates 1-10.

In this readable as well as thoroughly scientific paper we find the ornithological results of the *Albatross* Hawaiian explorations in 1902. The recentness of the observations adds an element of freshness to the unusual accuracy and vividness of the descriptions; and thus we are given by far the most valuable account which has yet appeared of "the greatest bird island in the world." Then too the fifty-two half-tones are fine examples of successful bird-photography, though we are disappointed that these could not have been reproduced at least in original size instead of reduced. One is perhaps most struck by the wonderful fearlessness displayed by the individuals of nearly every species presented in the mammoth bird community. We can only share with the author the fear of the deplorable consequences which would follow the introduction of some predaceous animal such as the cat. For Laysan Island is small, only three miles long, and easily accessible over the entire surface. The unparalleled opportunity afforded for study of the habits and life-histories of the various sea-fowl can be appreciated only after reading Mr. Fisher's faithful portrayal of his week's visit with the birds of Laysan.